

PROB 12C  
(7/93)Report Date: May 6, 2011  
FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

## United States District Court

for the

Eastern District of Washington

MAY 06 2011

JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Franklin Demack Scribner

Case Number: 2:02CR02156-001 and  
2:08CR02126-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 03/05/2003 2:02CR02156-001  
10/11/2007 2:08CR02126-001Original Offense: Ct. 2: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g) and 924(a)(2)  
2:02CR02156-001 Ct. 3: Possession of Unregistered Firearm 26 U.S.C. §§ 5841, 5861(d), and 5871

2:08CR02156-001 Ct. 1: Possessing Contraband in Prison, 18 U.S.C. §§ 1791(a)(2), (b)(3)

Original Sentence: Prison - 51 Months; Type of Supervision: Supervised Release  
TSR - 36 MonthsPrison - 18 Months;  
TSR - 36 Months

Asst. U.S. Attorney: Alexander Carl Ekstrom

Date Supervision Commenced: 9/21/2009

Defense Attorney: Rick Hoffman

Date Supervision Expires: 7/20/2011

## PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on February 11, 2011.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance

4      **Special Condition #16:** The defendant shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. The defendant shall contribute to the cost of treatment according to defendant's ability. Defendant shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

**Supporting Evidence:** Mr. Scribner failed to attend drug and alcohol group at Merit Resource Services (Merit) on April 20, May 4, and 5, 2011.

Ms. Scribner is enrolled in intensive outpatient drug and alcohol treatment at Merit.

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According to his counselor, the defendant was a no show/no call for the above-noted dates. The counselor also advised Mr. Scribner has failed to submit support meeting attendance verification, as required by the treatment program.

- 5      **Special Condition #16:** Defendant shall participate in a GED program as approved by the supervising probation officer and successfully obtain a GED.

**Supporting Evidence:** Mr. Scribner has failed to attend daily scheduled GED classes as of May 5, 2011.

Mr. Scribner enrolled in the GED program at Yakima Valley Community College on April 14, 2011. The defendant is scheduled to attend class Monday through Thursday from 1 p.m. to 4 p.m. According to his attendance record, Mr. Scribner has only attended class on April 18, 26, and 27, 2011, for a total of 3 ½ hours.

- 6      **Special Condition #14:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Scribner tested presumptive positive for opiates on May 5, 2011.

On May 5, 2011, Mr. Scribner submitted to a urinalysis test that returned presumptive positive for opiates. The defendant admitted he used opiates and methamphetamine. The specimen was sent to Alere Toxicology Services, Incorporated, for confirmation.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/06/2011

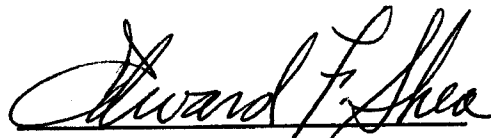
s/Jose Zepeda

Jose Zepeda  
U.S. Probation Officer

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### THE COURT ORDERS

- ☐ No Action  
☒ The Issuance of a Warrant  
☒ The Issuance of a Summons  
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.  
☐ Other

  
Signature of Judicial Officer  
May 6, 2011  
Date